

REMARKS

Claims 1-33 are pending in the above-referenced patent application. Claims 28 and 30 were rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,032,202 to Lea et al. (“Lea”). Claims 29 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lea in view of USPN 6,560,639 to Dan et al. (“Dan”).

Claims 1, 3, 4, 8, 9, 11, 12, 16, 22-25 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 and 8 of USPN 6,198,479 and Claims 1-22 of USPN 6,288,716. Claims 1-33 were found anticipated by Claims 1-12 of USPN 6,466,971. Claims 1-33 were found anticipated by Claims 1-11 of USPN 6,546,419. Applicants hereby file terminal disclaimers in compliance with 37 CFR 1.321(c) to overcome said obviousness-type double patenting rejections, as USPN 6,198,479, USPN 6,288,716, USPN 6,466,971 and USPN 6,546,419 are commonly owned with this patent application. Accordingly, Applicants respectfully request the withdrawal of the rejection of Claims thereunder because the rejections are hereby rendered moot. However, if the terminal disclaimers fail to overcome the rejections, Applicants reserve the right to file a substantive response.

Rejection of Claims 28 and 30 under 35 U.S.C. 102(e) as being anticipated by Lea, is respectfully traversed, because Lea does not disclose all of the claimed limitations. For example,

Lea does not disclose providing an application interface description of a device from the database for interaction with that device utilizing said application interface description, as required by Claims 28 and 30. By contrast Lea is directed to a method and system for ensuring future upgradability and expandability of devices in a home audio video network. The system generates a default control module (DCM) for a first device coupled to the network by using a second device coupled to the network. The default control module is configured to ensure at least a minimum degree of interoperability between the first device and the second device. The second device access the first device via the default control module, wherein the default control module enables the first device to respond to a default set of commands from the second device. When an updated control module for the first device is received, the default control module is replaced with the updated control module by unlinking the default control module and linking the updated control module. The second device subsequently accesses the first device via the updated control module, wherein the updated control module enables the first device to respond to an updated set of commands from the second device.

As such, in contrast to the present invention, Lea utilizes a device control module in each full node (FAV) for each device (IAV) in the network, wherein the DCM provides an API used to send control commands to that device. The FAV nodes act as control nodes and create a local representation of the IAV. As such, the FAV builds a DCM for another device and the DCM exposes an interface that allows controlling that device. Lea does not disclose a database of device interface descriptions according to the present invention. Further, Lea does not disclose

placing the interface descriptions of the home network devices in the data base for access by the home network devices to perform command and control therebetween. Nor does Lea disclose a process wherein to command and control a first device, a second device accesses that database to obtain the interface description of the first device, to send command and control data to the first device, whereby the first and second devices autonomously provide a service for the user.

Rejection of Claims 29 and 31 under 35 U.S.C. 103(a) as being unpatentable over Lea in view of Dan, is respectfully traversed because the references, alone or in combination, do not teach all of the claimed limitations. As discussed, Lea does not disclose limitations of independent claims 28 and 30. Further, there is no motivation suggested by either reference to combine them. It is well settled that in order for a modification or combination of the prior art to be valid, the prior art itself must suggest the modification or combination, "...invention cannot be found obvious unless there was some **explicit** teaching or suggestion in the art to motivate one of ordinary skill to combine elements so as to create the same invention." *Winner International Royalty Corp. v. Wang*, No. 96-2107, 48 USPQ.2d 1139, 1140 (D.C.D.C. 1998) (emphasis added). "The prior art **must provide** one of ordinary skill in the art the **motivation** to make the proposed molecular modifications needed to arrive at the claimed compound." *In re Jones*, 958 F.2d 347, 21 USPQ.2d 1941, 1944 (Fed. Cir. 1992) (emphasis added). Neither of the references suggests the motivation to modify or combine the references as proposed. The references are individually complete and functionally independent for their limited specific purposes and there would be no reason to make the modification proposed by the Patent Office. Therefore, because

neither of the prior art references suggests the combination and modifications proposed by the Patent Office the combination and modifications are improper.

Even if the modification was legally justified, it still would not render Applicants' claimed invention obvious. The Patent Office admits that Lea does not teach all limitations in Claims 29 and 31. Therefore, the Patent Office attempts to modify Lea in order to teach Applicants' claimed invention. However, as discussed, there is no teaching in the references of the claimed limitations. There is no need in Lea for a user interface description as claimed. Even if Lea is modified according to Dan, the result would be a system that has nothing to do with the claimed invention herein. The effort required to combine the teachings of the references would require a substantial undertaking and numerous elements which would not be obvious.

Further, Applicant respectfully submits that the Patent is improperly using "hindsight" and the teachings of Applicant's own claimed invention in order to combine references to render Applicants' claims obvious. The Office Action admits that Lea fails to teach all of the limitations of Applicant's claimed invention. However, the Office Action improperly attempts to modify Lea using Dan (which also fails to teach all of the limitations of Applicant's claimed invention), in an attempt to achieve Applicant's claimed invention.

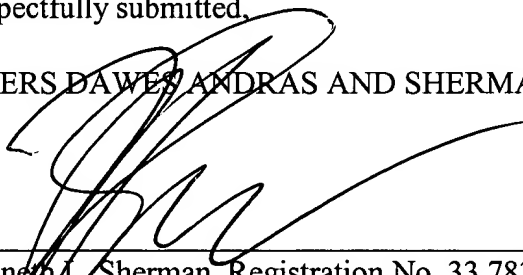
Conclusion

For these, and other, reasons, Applicants believe that the claims are in condition for allowance. Reconsideration, re-examination, and allowance of all claims are respectfully requested.

The Commissioner is hereby authorized to charge any payment, or credit any overpayment, to Deposit Account No. 01-1960, in connection with this reply.

Respectfully submitted,

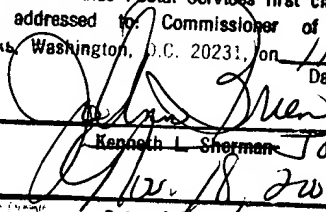
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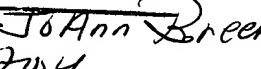


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